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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 27th January 2005

No. 884—li/1(B)-82/2002-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 4th December 2004 in Industrial Dispute Case No. 114/2002 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial disputes between the Management of M/s Konark Cylinders & Containers Pvt. Ltd., Mancheswar Industrial Estate, Bhubaneswar and its workman Shri Laxminarayan Pattnaik was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE
IN THE LABOUR COURT, BHUBANESWAR
INDUSTRIAL DISPUTE CASE NO. 114 OF 2002
Dated the 4th December 2004

Present :

Shri P. K. Sahoo, O. S. J. S. (Jr. Branch)
Presiding Officer, Labour Court
Bhubaneswar.

Between :

The Managing Director .. First Party—Management
M/s Konark Cylinders & Containers Pvt. Ltd.
Mancheswar Industrial Estate, Bhubaneswar.

And

Shri Laxminarayan Pattnaik .. Second Party—Workman
C/o. Shri Sarat Chandra Pattnaik
At Dimiri, P.O. Kanas, Dist. Puri.

Appearances :

For the First Party—Management .. Shri R. N. Pattnaik

For the Second Party—Workman (himself) .. Shri Laxminarayan Pattnaik

AWARD

The Government of Orissa in the Labour & Employment Department in exercise of powers conferred upon them by sub-section (5) of Section 12, read with clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their order No. 12604—li/1(B)-82/2002-L.E., dated the 16th October 2002 :—

“ Whether the action of the management of M/s Konark Cylinders & Containers Pvt. Ltd., Mancheswar Industrial Estate, Bhubaneswar in terminating the services of Shri Laxminarayan Pattnaik, Quality Control Inspector, with effect from the 1st August 2000 is legal and/or justified ? If not, what relief Shri Pattnaik is entitled to ?”

2. Both the parties are present and filed a joint petition for compromise drawn up in Form ‘K’ along with seven copies. Heard both the sides on the matter of compromise at length. Perused carefully the petition for compromise filed by the management and the workman. Being asked both the parties have admitted to have compromised the present case as per the terms of settlement drawn up in Form ‘K’. The workman has also agreed that, the management has allowed to do work in the same organisation as fresh. It is also agreed by the parties that the workman Shri L. N. Pattnaik shall withdraw the Misc. Case No. 7/2001 pending before this Court and accordingly he shall file the withdrawal petition on the date fixed. Both the parties have also agreed to drop the present Industrial Dispute Case No. 114/2002 as per terms of settlement already reflected in Form ‘K’. Since both the parties have amicably settled their dispute, I feel inclined to allow the petition for compromise filed by both the parties jointly. In that view of the matter the petition for compromise is allowed and therefore, accepted. Accordingly an award is passed in terms of settlement, which do form part of the Award.

Dictated and corrected by me.

P. K. SAHOO
4-12-2004
Presiding Officer
Labour Court, Bhubaneswar

P. K. SAHOO
4-12-2004
Presiding Officer
Labour Court, Bhubaneswar

By order of the Governor
D. MISHRA
Under-Secretary to Government

FORM 'K'
(See Rule 64)

Form for Memorandum of Settlement

INDUSTRIAL DISPUTE CASE No. 114/2002, BEFORE THE PRESIDING OFFICER,
LABOUR COURT, BHUBANESWAR

M/s Konark Cylinders & Containers (P) Ltd., . . . Management
Mancheswar Industrial Estate, Bhubaneswar.

Vrs.

Shri Laxminarayan Pattnaik . . . Workman
Representing employer/Management Representing workman
Shri R. N. Pattnaik Shri L. N. Pattnaik

Made part of the Award
P. K. SAHOO
4-12-2004
Presiding Officer
Labour Court, Bhubaneswar

SHORT RECITAL OF THE CASE

That the workman Shri Laxminarayan Pattnaik has raised a dispute before the Hon'ble Court claiming for his reinstatement in service with back wages.

That the above case has been registered as Industrial Dispute Case No. 114/2002 and the matter is under consideration before the Hon'ble Labour Court, Bhubaneswar.

That in the meantime both the parties agreed to settle the matter amicably and according to the following terms and conditions the matter is settled between the parties:—

TERMS OF SETTLEMENT

1. It is agreed by and between the parties that the management has allowed the workman to do work in the same organisation as fresh.

2. It is agreed by and between the parties that, the workman Shri Laxminarayan Pattnaik shall not claim any further financial benefit in future relating to the abovementioned Industrial Dispute Case and also during the previous period of his employment.

3. It is also agreed by and between the parties that the workman Shri L. N. Pattnaik shall withdraw the Misc. Case No. 7/2001 pending before this Hon'ble Court and accordingly he shall file the withdrawal petition on the date fixed.

4. It is agreed by and between the parties that both the parties will file a joint petition before the Labour Court to accept this settlement and for passing an Award according to the settlement.

Signature of the parties

For Konark Cylinders & Containers (P) Ltd.	Laxminarayan Pattnaik
[ILLEGIBLE]	20-8-2004
Director	Signature of the Workman

Signature of Authority of the Management

Witnesses :

1. Radhanath Pattnaik

2. [ILLEGIBLE]